

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CLEMENT BATTONI, JR., RAYMOND)
GIULIANO, JAMES M. VREELAND,)
RAYMOND S. DeMARCO, JR., MARK F.)
SHUBIAK, NEIL BATTONI, and)
CHARLES R. WALLER,)

Plaintiff,)

v.)

IBEW LOCAL UNION NO 102)
EMPLOYEE PENSION PLAN, IBEW)
LOCAL UNION NO. 102 EMPLOYEE)
WELFARE FUND, and JOHN E.)
MCHUGH, RICHARD D. LESSNER,)
LEWIS S. WEINSTOCK, ALAN M.)
GOLUB, REGINA DELESKY, JOHN)
DOES 1-10 and JANE DOES 1-10, Trustees)
of the IBEW Local Union No. 102)
Employee Pension Plan and/or the IBEW)
Local Union No 102 Employee Welfare)
Fund, as Trustees and Individually,)

Defendants.)

Civ. Docket No. 05-934 (FSH)

ORDER

Date: April 24, 2007

This matter comes before the Court upon Defendant's Motion for Summary Judgment (Docket #8), and the Court having considered the submissions of the parties pursuant to Fed. R. Civ. P. 78; and

it appearing that Defendant failed to file with its motion "a statement which sets forth material facts, as to which there exists or does not exist a genuine issue," as required by Local Rule 56.1;

IT IS, on this 24th day of April, 2007,

ORDERED that Defendant's Motion for Summary Judgment is **DENIED** without prejudice for failure to comply with the procedural requirements of Local Rule 56.1.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.